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**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
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Docket Number (Optional)
1171/41687/139

In re Application of: Lewis George Gradon; Alastair Edwin McAulay; Ivan Milivojevic

Application No.: 10/785,646

Filed: February 24, 2004

For: BREATHING ASSISTANCE APPARATUS

The owner, Fisher & Paykel Healthcare Limited, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term prior patent No. 6,789,541 as the term of said prior patent is defined in 35 U.S.C. 154 and 173, and as the term of said prior patent is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

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is found invalid by a court of competent jurisdiction;

is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321;

has all claims canceled by a reexamination certificate;

is reissued; or

is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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2. ☒ The undersigned is an attorney or agent of record. Reg. No. 25,156


Signature

June 29, 2006
Date

Raiford A. Blackstone, Jr.
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312-704-1890
Telephone Number

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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